



December 3, 1999

Ms. Mary Reveles
Assistant County Attorney
County of Fort Bend
301 Jackson, Suite 621
Richmond, Texas 77469-3108

OR99-3497

Dear Ms. Reveles:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129978.

The Fort Bend Sheriff's Department received a request for information related to alarm permits issued by Fort Bend County for the period of August 1994 through August 1997. Specifically, the requestor seeks the applicants' names, addresses, telephone numbers, date of permit issuance and the name of the security monitoring company. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 771.061(a) of the Health and Safety Code. We have considered the exception you claim and have reviewed the submitted sample information.¹

Section 552.101 of the Government Code excepts from disclosure information that is confidential by law. Information contained in alarm systems records is governed by section 1702.284 of the Occupations Code, which provides:

Information contained in alarm systems records maintained by a governmental body that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of

¹We assume that the "sample" records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

alarm system used is confidential and may be disclosed only to the board or as otherwise required by state law or court order.

Therefore, we conclude that you must withhold the occupants' names and the locations of the alarm systems under section 552.101 in conjunction with section 1702.284. Furthermore, since we note that section 1702.284 provides that information "that concerns the location of an alarm system" is protected from disclosure, we conclude that you must withhold the occupants' telephone numbers as well. On the other hand, neither the date of permit issuance nor the name of the security monitoring company is information made confidential by this statute. Thus, we will consider the applicability of your arguments to this remaining information.

Chapter 771 of the Health and Safety Code addresses the administration of the state emergency communications district. Section 771.061(a) reads in pertinent part as follows:

Information that a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service is confidential and is not available for public inspection. Information that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service is confidential and is not available for public inspection.

We do not believe that any of the information at issue falls within the purview of this statute. Therefore, since you have raised no other exception to disclosure for this information, we conclude that you must release to the requestor the dates of permit issuance and the names of the security monitoring companies.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

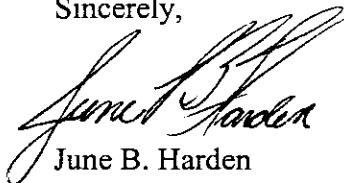
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 129978

Encl. Submitted documents

cc: Ms. Kristin Miller
2521 Fairway Park Drive #420
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(w/o enclosures)